

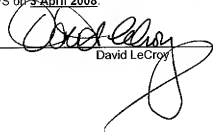
PATENT APPLICATION
Attorney Docket No. 3049.SPD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: DIHEL, Deborah L. *et al.*
SERIAL NO.: 10/783 078 **GROUP ART UNIT:** 1616
FILED: 20 February 2004 **EXAMINER:** GEORGE, Konata M.
ENTITLED: DISSOLVABLE FILM COMPRISING AN ACTIVE INGREDIENT AND
METHOD OF MANUFACTURE

CERTIFICATE of TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via the USPTO web-based EFS on 3 April 2008.



David LeCroy

Mail Stop Appeal Brief - Patents
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

SUPPLEMENTAL APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Dear Sir:

In reply to the Notification of Non-compliant Appeal Brief mailed out from the Office on 4 March 2008, Appellants respectfully submit herewith a Supplemental Appeal Brief providing a concise explanation of the subject matter defined in each of the independent claims. As required by the Office, only Section V of the Appeal Brief is submitted.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following summary of the subject matter defined in each of the independent claims involved in the Appeal is offered to enable the Board to more quickly determine where in the application enabling embodiments of the claimed subject matter are described. However, because other embodiments may fall within the scope of the claims, this summary should not be construed as limiting of the claims hereafter discussed.

Claim 1 is the only pending independent claim, with remaining claims 2-13 depending directly from claim 1. For ease of reference, claim 1 is as follows –

1. A method of making a dissolvable film comprising a substance, the method comprising mixing film forming ingredients together to form a mixture, coating the mixture onto a suitable substrate to form a film, applying a substance to the film, and drying the film to a moisture content of about 10 weight % or less moisture.

From the above independent claim it is seen that the present invention is generally directed towards a method or process for preparing dissolvable films containing substances such as flavorings or other actives that would otherwise be lost in the preparation of the film (p. 2, lines 4-7). The process involves mixing together water-soluble film forming ingredients in an aqueous solution thereby forming an aqueous film pre-mix, coating a substrate with that mixture thereby forming a film, applying a substance onto the film and then drying the film (p. 3, lines 16-22). By preparing dissolvable films in this manner, substances such as flavors or active ingredients can be added to the film composition without losing their efficacy. For example, volatile flavorings can be encapsulated in water-soluble encapsulating material and then added to the film (p. 2, lines 15-25). Adding the encapsulated volatile to the film pre-mix would result in the dissolution of the capsule and release of the volatile, which is not desirable. Even if the active substance is encapsulated in an oil-based encapsulant, processing conditions in the pre-mix can cause the oil-soluble capsules to melt (p. 2, lines 1-3). The present invention provides a method for enabling one to form dissolvable containing such substances without risking loss of the efficacy of those substances (p. 2, lines 21-23 and p. 3, lines 1-4).

Accordingly, the claimed subject matter of the method of making a dissolvable film according to the sole independent claim 1 is identified in the Specification at p. 3, lines 15-22.

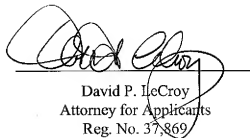
It is believed that the last paragraph of Section V of Appellant's Brief above addresses the non-compliant matter in the 4 March 2008.

Respectfully submitted,

Dated:

3 April 2008

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